

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF:
JEANNE E DAY
Debtor(s)

MOTION TO DISMISS PETITION
CHAPTER 13
PURSUANT TO SECTION 1307
Case No. 14-20155-PRW

George M. Reiber, Trustee in the above entitled case, moves the Court as follows:

To dismiss the debtor's petition in the above entitled case for:

_____ failure to file a Statement of Pre-Confirmation Adequate Protection within 14 days of the filing of the petition as required by the Standing Order of this Court dated October 12, 2005;

_____ failure to file the required credit counseling certificate within 14 days of the filing of the petition as required by §109;

 X failure to file schedules, statements and other required documents within 14 days of the filing of the petition, as required by Bankruptcy Rule 1007;

 X failure to file a plan as required by Bankruptcy Rule 3015, which states that a "plan shall be filed within 14 days thereafter and such time shall not be further extended except for cause shown and on notice as the court may direct..." ;

_____ failure to file Payment Advices or other evidence of payment received within 45 days of filing the petition as required by §521(i).

Upon information and belief, this petition has not been previously converted to or from another Chapter.

/S/ _____
George M. Reiber
Chapter 13 Trustee
3136 S. Winton Road
Rochester, NY 14623

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned will bring the above motion on for hearing before the Honorable Paul R. Warren, U.S. Bankruptcy Judge, 100 State Street, Rochester, New York on the **20th day of March, 2014 at 10:00am** in the forenoon of that day or as soon thereafter as counsel can be heard.

/S/ _____
CHAPTER 13 TRUSTEE

Dated: March 4, 2014
Rochester, New York

TO: Debtor
Debtor's Attorney
U.S. Trustee

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

IN RE :

Chapter 13

Jeanne E Day,

Case No. 14-20155-PRW

Debtor(s)

CERTIFICATE OF SERVICE

Certificate of Service by Mail *hah/s/* ____ Clerk. Copies of the Motion to Dismiss were personally mailed by me on 03/04/14, to:

Jeanne E. Day

87 Tuliptree Lane
Rochester, NY 14617

George F. Newton, Esq.

Muehe and Newton, LLP
48 N. Main St.
Canandaigua, NY 14424

U.S. Trustee's Office

100 State St Room 6090
Rochester, NY 14614